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6 Attorneys for Defendant
BRIAN DUNNING

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 vs.

15 BRIAN DUNNING,

16 Defendant.

CASE NO. CR 10-00494-EJD-1

**STIPULATION AND ~~PROPOSED~~
ORDER TO WITHDRAW DEFENDANT'S
MOTION TO SUPPRESS EVIDENCE**

DATE: April 8, 2013

TIME: 2:00 p.m.

COURT.: Hon. Edward J. Davila
Courtroom 4, 5th Floor
San Jose Federal Courthouse
280 South First Street
San Jose, CA 95113

TRIAL DATE: April 22, 2013

21 WHEREAS, Defendant Brian Dunning filed a Motion to Suppress Evidence (the
22 "Motion") on January 30, 2013 (Dkt. No. 40);

23 The United States, by and through its counsel, AUSA David R. Callaway, and Defendant
24 Brian Dunning, by and through his counsel, Stephen R. Cook, hereby STIPULATE that

25 1) the Motion shall be withdrawn from the docket; and

26 2) the April 8, 2013 hearing date on the Motion shall be vacated; and

27 ///

3) the stipulated withdrawal of the Motion is without prejudice to Defendant's ability to file the Motion at any time in the future.

IT IS SO STIPULATED.

DATED: April 1, 2013

MELINDA HAAG
United States Attorney

By: /s/ David R. Callaway
DAVID R. CALLAWAY
Assistant United States Attorney

IT IS SO STIPULATED.

DATED: April 1, 2013

RUS, MILIBAND & SMITH
A Professional Corporation

By: /s/ Stephen R. Cook
STEPHEN R. COOK
Attorneys for Defendant
BRIAN DUNNING

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Pretrial Conference is scheduled for April 8, 2013 at 2:00 PM

DATED: April 2, 2013


HONORABLE EDWARD J. DAVILA
UNITED STATES DISTRICT JUDGE